In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 605/2001
(Old No. 1403/1988)

Ratan Singh S/o Sundar Singh Negi

R/o village Dhamri, Patti Gusain,

Tehri Garhwal ….Revisionist.

Vs.

State of U.P. …Respondent.

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri K.S. Rautela learned Brief Holder and perused and record of the revision.

2- This criminal revision under section 379/401 of the Code of Criminal Procedure has been filed against the judgment and order dated 11-7-1988 passed by Sessions Judge, Pauri Garhwal in criminal appeal no. 7 of 1988, preferred against the judgment and order dated 11-3-1988 passed by the C.J.M. Pauri Garhwal in criminal case No. 102/1987 convicting the revisionist under section 60 Excise Act and sentencing him to pay a fine of Rs. 500/- and in default of payment of fine to undergo imprisonment for two months. The learned Sessions Judge affirmed the conviction and sentence of the revisionist and dismissed the appeal.

3- From perusal of the judgments of the courts below it is evident that the revisionist was found in possession of country made liquor without permit. The factum of recovery was established from the evidence of Sri G.S. Martolia (P.W.1). The liquor seized was put to test by Sri P.Kumar (P.W.2) and since the revisionist did not have permit he was prosecuted for an offence punishable under section 60 Excise Act. The evidence of the prosecution witnesses was found reliable by the courts below and no perversity is apparent on the face of the record. Considering this the revision lack merit and is liable to be dismissed.

4- The revision is hereby dismissed.

5- Let the compliance of the judgment and order dated 11-3-1988 as well as the judgment and order of the appellate court dated

11-7-1988 be made by the C.J.M., Pauri Garhwal and report be submitted in two months.

(Irshad Hussain, J.)

Dated: 05-05-2004
ISB